

EXHIBIT H

Chap. 415.

AN ACT in relation to labor, constituting chapter thirty-two of the general laws.

Became a law May 13, 1897, with the approval of the Governor.

Passed, a majority being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

CHAPTER XXXII OF THE GENERAL LAWS.

THE LABOR LAW.

- Article**
- I. General provisions. (§§ 1-20.)**
 - II. Commissioner of labor statistics. (§§ 30-32.)**
 - III. Public employment bureaus. (§§ 40-44.)**
 - IV. Convict-made goods and duties of commissioner of labor statistics relative thereto. (§§ 50-54.)**
 - V. Factory inspector, assistant and deputies. (§§ 60-70.)**
 - VI. Factories. (§§ 70-91.)**
 - VII. Tenement-made articles. (§§ 100-104.)**
 - VIII. Bakery and confectionery establishments. (§§ 110-115.)**
 - IX. Mines and their inspection. (§§ 120-129.)**
 - X. State board of mediation and arbitration. (§§ 140-149.)**
 - XI. Employment of women and children in mercantile establishments. (§§ 160-173.)**
 - XII. Examination and registration of horseshoers. (§§ 180-184.)**
 - XIII. Laws repealed; when to take effect. (§§ 190-191.)**

ARTICLE I.

GENERAL PROVISIONS.

- Section**
- 1. Short title.**
 - 2. Definitions.**
 - 3. Hours to constitute a day's work.**
 - 4. Violations of preceding section.**
 - 5. Hours of labor on street surface and elevated railroads.**

- Section 6. Hours of labor in brickyards.
7. Regulation of hours of labor on steam surface and elevated railroads.
 8. Payment of wages by receivers.
 9. Cash payment of wages.
 10. When wages are to be paid.
 11. Penalty for violation of preceding sections.
 12. Assignment of future wages.
 13. Preferences in employment of persons upon public works.
 14. Stone used in state or municipal works.
 15. Labels, brands, etc., used by labor organizations.
 16. Penalty for illegal use of labels, etc.; injunction proceedings.
 17. Seats for female employes in factories.
 18. Scaffolding for use of employes.
 19. Inspection of scaffolding, ropes, blocks, pulleys and tackle in cities.
 20. Protection of persons employed on buildings in cities.

Section 1. **Short title.**— This chapter shall be known as the labor law.

§ 2. **Definitions.**— The term employe, when used in this chapter, means a mechanic, workingman or laborer who works for another for hire.

The person employing any such mechanic, workingman or laborer, whether the owner, proprietor, agent, superintendent, foreman or other subordinate, is designated in this chapter as an employer.

The term “factory,” when used in this chapter, shall be construed to include also any mill, workshop or other manufacturing or business establishment where one or more persons are employed at labor.

The term “mercantile establishment,” when used in this chapter, means any place where goods, wares or merchandise are offered for sale.

Whenever, in this chapter, authority is conferred upon the factory inspector, it shall also be deemed to include his assistant or a deputy acting under his direction.

§ 3. **Hours to constitute a days work**— Eight hours shall constitute a legal day's work for all classes of employes in this state,

except those engaged in farm and domestic labor, unless otherwise provided by law. This section does not prevent an agreement for overwork for extra compensation.

This section applies to work for the state or a municipal corporation, or for contractors therewith.

The wages for such public work shall be not less than the prevailing rate for a legal day's work in the same trade or calling in the locality where the work is performed. Every contract for the construction of a public work, shall contain a provision that the same shall be void and of no effect unless such rate is paid by the contractor to his employes.

§ 4. Violations of preceding section.— Any officer or agent of this state or of a municipal corporation therein, who openly violates or otherwise evades the provisions of this article, relating to the hours of labor of employes, shall be deemed guilty of malfeasance in office, and may be suspended or removed by the authority having the power to appoint such officer or agent, if any, otherwise by the governor. A party contracting with the state or a municipal corporation therein, who fails to comply with, or secretly evades such provisions by exacting and requiring more hours of labor for the compensation agreed to be paid per day than is fixed in this article, shall forfeit such contract, at the option of the state or of such municipal corporation.

§ 5. Hours of labor on street surface and elevated railroads.— Ten consecutive hours' labor, including one-half hour for dinner shall constitute a day's labor in the operation of all street surface and elevated railroads, of whatever motive power, owned or operated by corporations in this state, whose main line of travel or whose routes lie principally within the corporate limits of cities of more than one hundred thousand inhabitants. No employe of any such corporation shall be permitted or allowed to work more than ten consecutive hours, including one-half hour for dinner, in any one day of twenty-four hours.

In cases of accident or unavoidable delay, extra labor may be performed for extra compensation.

§ 6. Hours of labor in brickyards.— Ten hours, exclusive of the necessary time for meals, shall constitute a legal day's work in the making of brick in brickyards owned or operated by corporations. No corporation owning or operating such brickyard shall require employes to work more than ten hours in any one day, or to commence work before seven o'clock in the morning.

But overwork and work prior to seven o'clock in the morning for extra compensation may be performed by agreement between employer and employe.

§ 7. Regulation of hours of labor on steam surface and elevated railroads.— Ten hours labor, performed within twelve consecutive hours, shall constitute a legal day's labor in the operation of steam surface and elevated railroads owned and operated within this state, except where the mileage system of running trains is in operation. But this section does not apply to the performance of extra hours of labor by conductors, engineers, firemen and trainmen in case of accident or delay resulting therefrom. For each hour of labor performed in any one day in excess of such ten hours, by any such employe, he shall be paid in addition at least one-tenth of his daily compensation.

No person or corporation operating a line of railroad of thirty miles in length or over, in whole or in part within this state, shall permit or require a conductor, engineer, fireman or trainman, who has worked in any capacity for twenty-four consecutive hours, to go again on duty or perform any kind of work, until he has had at least eight hours' rest.

§ 8. Payment of wages by receivers.—Upon the appointment of a receiver of a partnership or of a corporation organized under the laws of this state and doing business therein, other than a moneyed corporation, the wages of the employes of such partnership or corporation shall be preferred to every other debt or claim.

§ 9. Cash payment of wages.—Every manufacturing, mining, quarrying, mercantile, railroad, street railway, canal, steamboat, telegraph and telephone company, every express company, and every water company, not municipal, shall pay to each employe engaged in its business the wages earned by him in cash. No such company or corporation shall pay its employes in scrip, commonly known as store money orders.

§ 10. When wages are to be paid.—Every corporation or joint stock association, or person carrying on the business thereof by lease or otherwise, shall pay weekly to each employe the wages earned by him to a day not more than six days prior to the date of such payment.

But every person or corporation operating a steam surface railroad shall, on or before the twentieth day of each month, pay the employes thereof the wages earned by them during the preceding calendar month.

§ 11. **Penalty for violation of preceding sections.**—If a corporation or joint stock association, its lessee or other person carrying on the business thereof, shall fail to pay the wages of an employe as provided in this article, it shall forfeit to the people of the state the sum of fifty dollars for each such failure, to be recovered by the factory inspector in his name of office in a civil action; but an action shall not be maintained therefor, unless the factory inspector shall have given to the employer at least ten days' written notice, that such an action will be brought if the wages due are not sooner paid as provided in this article.

On the trial of such action, such corporation or association shall not be allowed to set up any defense, other than a valid assignment of such wages, a valid set-off against the same, or the absence of such employe from his regular place of labor at the time of payment, or an actual tender to such employe at the time of the payment of the wages so earned by him, or a breach of contract by such employe or a denial of the employment.

§ 12. **Assignment of future wages.**—No assignment of future wages, payable weekly, or monthly in case of a steam surface railroad corporation, shall be valid if made to the corporation or association from which such wages are to become due, or to any person on its behalf, or if made or procured to be made to any person for the purpose of relieving such corporation or association from the obligation to pay weekly, or monthly in case of a steam surface railroad corporation. Charges for groceries, provisions or clothing shall not be a valid off-set for wages in behalf of any such corporation or association.

No such corporation or association shall require any agreement from any employe to accept wages at other periods than as provided in this article as a condition of employment.

§ 13. **Preferences in employment of persons upon public works.**—In the construction of public works by the state or a municipality, or by persons contracting with the state or such municipality, only citizens of the United States shall be employed; and in all cases where laborers are employed on any such public works, preference shall be given citizens of the state of New York. In each contract for the construction of public works, a provision shall be inserted, to the effect that if the provisions of this section are not complied with, the contract shall be void.

§ 14. **Stone used in state or municipal works.**—All stone used in state and municipal works, except paving blocks and crushed

stone, shall be worked, dressed and carved within the state. There shall be inserted in each contract or specification hereafter awarded by state, county or municipal authorities, authorizing or requiring the use of worked, dressed or carved stone, except paving blocks or crushed stone, within the state or such county or municipality, a clause to the effect that such stone shall be so worked, dressed or carved within the boundaries of the state as required by this section. If a contractor of the state or any municipality therein, shall use stone, except paving blocks and crushed stone, which has been worked, dressed or carved without the state, the state or such municipality shall revoke the contract of such contractor and be released from liability thereon.

§ 15. Labels, brands, etc., used by labor organizations.—A union or association of employes may adopt a device in the form of a label, brand, mark, name or other character for the purpose of designating the products of the labor of the members thereof. Duplicate copies of such device shall be filed in the office of the secretary of state, who shall, under his hand and seal, deliver to the union or association filing or registering the same a certified copy and a certificate of the filing thereof, for which he shall be entitled to a fee of one dollar. Such certificate shall not be assignable by the union or association to whom it is issued.

§ 16. Penalty for illegal use of labels, etc., injunction proceedings.—A person manufacturing, using, displaying or keeping for sale a counterfeit or colorable imitation of a device so adopted and filed, or goods bearing the same, shall be subject to a penalty of two hundred dollars, to be recovered in an action brought in a court of competent jurisdiction by the person aggrieved; one-half of which penalty, when recovered, shall be paid to the plaintiff and one-half to the overseer of the poor of the town or to an officer having like power of the city, wherein the person aggrieved resides, for the benefit of the poor of such town or city.

After filing copies of such device, such union or association may commence an action to enjoin the manufacture, use, display or sale of counterfeit or colorable imitations of such device, or of goods bearing the same, and the court may restrain such wrongful manufacture, use, display or sale, and every unauthorized use or display by others of the genuine devices so registered and filed, if such use or display is not authorized by the owner thereof, and may award to the plaintiff such damages resulting from such wrongful manufacture, use, display or sale as may be proved, together with the profits derived therefrom.

§ 17. Seats for female employes in factories.—Every person employing females in a factory shall provide and maintain suitable seats for the use of such female employes, and permit the use thereof by such employes to such an extent as may be reasonable for the preservation of their health.

§ 18. Scaffolding for use of employes.—A person employing or directing another to perform labor of any kind in the erection, repairing, altering or painting of a house, building or structure shall not furnish or erect, or cause to be furnished or erected for the performance of such labor, scaffolding, hoists, stays, ladders or other mechanical contrivances which are unsafe, unsuitable or improper, and which are not so constructed, placed and operated as to give proper protection to the life and limb of a person so employed or engaged.

Scaffolding or staging swung or suspended from an overhead support, more than twenty feet from the ground or floor, shall have a safety rail of wood, properly bolted, secured and braced, rising at least thirty-four inches above the floor or main portions of such scaffolding or staging and extending along the entire length of the outside and the ends thereof, and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

§ 19. Inspection of scaffolding, ropes, blocks, pulleys and tackle in cities.—Whenever complaint is made to the commissioner of police, superintendent or other person in charge of the police force of a city, that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or ropes of any swinging or stationary scaffolding used in the construction, alteration, repairing, painting, cleaning or pointing of buildings within the limits of such city, are unsafe or liable to prove dangerous to the life or limb of any person, such police commissioner, superintendent or other person in charge of the police force, shall immediately detail a competent police officer to inspect such scaffolding, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons or other parts connected therewith. If, after examination, such officer finds such scaffolding or any of such parts to be dangerous to life or limb, he shall prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger.

The officer making the examination shall attach a certificate to the scaffolding, or the slings, hangers, irons, ropes or other parts thereof, examined by him, stating that he has made such exami-

nation, and that he has found it safe or unsafe, as the case may be. If he declares it unsafe, he shall at once, in writing, notify the person responsible for its erection of the fact, and warn him against the use thereof. Such notice may be served personally upon the person responsible for its erection, or by conspicuously affixing it to the scaffolding, or the part thereof declared to be unsafe. After such notice has been so served or affixed, the person responsible therefor shall immediately remove such scaffolding or part thereof and alter or strengthen it in such a manner as to render it safe, in the discretion of the officer who has examined it, or of his superiors.

Any officer detailed to examine or test any scaffolding or part thereof, as required by this section, shall have free access, at all reasonable hours, to any building or premises containing them or where they may be in use.

All swinging and stationary scaffolding shall be so constructed as to bear four times the maximum weight required to be dependent therefrom or placed thereon, when in use, and not more than four men shall be allowed upon any swinging scaffolding at one time.

§ 20. Protection of persons employed on buildings in cities.—All contractors and owners, when constructing buildings in cities, where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fire-proof material of brick work, shall complete the flooring or filling in as the building progresses, to not less than within three tiers of beams below that on which the iron work is being erected.

If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fire-proof material, all contractors for carpenter work, in the course of construction, shall lay the under flooring thereof on each story, as the building progresses, to not less than within two stories below the one to which such building has been erected. Where double floors are not to be used, such contractor shall keep planked over the floor two stories below the story where the work is being performed.

If the floor beams are of iron or steel, the contractors for the iron or steel work of buildings in course of construction, or the owners of such buildings, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel

work is being erected, except such spaces as may be reasonably required for the proper construction of such iron or steel work, and for the raising or lowering of materials to be used in the construction of such building, or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

The chief officer, in any city, charged with the enforcement of the building laws of such city, is hereby charged with enforcing the provisions of this section.

ARTICLE II.

COMMISSIONER OF LABOR STATISTICS.

Section 30. Commissioner of labor statistics.

31. Duties and powers.

32. Statistics to be furnished upon request.

§ 30. Commissioner of labor statistics.— There shall continue to be a commissioner of labor statistics, who shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. He may appoint a deputy commissioner of labor statistics, at an annual salary of two thousand and five hundred dollars, and a chief clerk at an annual salary of two thousand dollars, and such other clerks and assistants as he may deem necessary and fix their salaries.

The term of office of the successor of the commissioner in office when this chapter takes effect is abridged so as to expire on the last day of December preceding the time when such term would otherwise expire, and thereafter the term of office of such commissioner shall begin on the first day of January.

§ 31. Duties and powers.— The commissioner of labor statistics shall collect, assort, systematize and present in annual reports to the legislature, within ten days after the convening thereof in each year, statistical details in relation to all departments of labor in the state, especially in relation to the commercial, industrial, social and sanitary condition of workingmen and to the productive industries of the state. He may subpoena witnesses, take and hear testimony, take or cause to be taken depositions and administer oaths.

§ 32. Statistics to be furnished upon request.— The owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment, or any agent, superintendent, subordinate, or employe

thereof, shall, when requested by the commissioner of labor statistics, furnish any information in his possession or under his control which the commissioner is authorized to require, and shall admit him to any place herein named for the purpose of inspection. All statistics furnished to the commissioner of labor statistics, pursuant to this article, may be destroyed by such commissioner after the expiration of two years from the time of the receipt thereof.

A person refusing to admit such commissioner, or a person authorized by him, to any such establishment, or to furnish him any information requested, or who refuses to answer or untruthfully answers questions put to him by such commissioner, in a circular or otherwise, shall forfeit to the people of the state the sum of one hundred dollars for each refusal and answer untruthfully given, to be sued for and recovered by the commissioner in his name of office. The amount so recovered shall be paid into the state treasury.

ARTICLE III.

FREE PUBLIC EMPLOYMENT BUREAUS.

Section 40. Free public employment bureaus in cities of the first class.

41. Duties of superintendent.

42. Applications; list of applicants.

43. Applicants for help, when to notify superintendent.

§ 40. Free public employment bureaus in cities of the first class.—The commissioner of labor statistics shall organize and establish in all cities of the first class a free public employment bureau, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. No compensation or fee shall be charged or received, directly or indirectly, from persons applying for employment or help through any such bureau. Such commissioner shall appoint for each bureau so organized, and may remove for good and sufficient cause, a superintendent and such clerical assistants as, in his judgment, may be necessary for the proper administration of the affairs thereof. The salaries of such superintendents and clerks shall be fixed by the commissioner. Such salaries and the expenses of such bureaus shall be paid in the same manner as other expenses of the bureau of labor statistics.

§ 41. Duties of superintendent.—The superintendent of each free public employment bureau shall receive and record, in a book

to be kept for that purpose, the names of all persons applying for employment or for help, designating opposite the name and address of each applicant, the character of employment or help desired.

Each such superintendent shall report, on Thursday of each week, to the commissioner of labor statistics, the names and addresses of all persons applying for employment or help, during the preceding week, the character of the employment or help desired, and the names of the persons receiving employment through his bureau. Such superintendent shall also perform such other duties in the collection of labor statistics, and in the keeping of books and accounts of his bureau, as the commissioner may require, and shall report semi-annually to the commissioner of labor statistics the expense of maintaining his bureau.

§ 42. Applications ; list of applicants.— Every application for employment or help made to a free public employment bureau shall be void after thirty days from its receipt, unless renewed by the applicant.

The commissioner of labor statistics shall cause two copies of a list of all applicants for employment or help, and the character of the employment or help desired, received by him from each free public employment bureau, to be mailed on Monday of each week to the superintendent of each bureau, one of which copies shall be posted by the superintendent, immediately on receipt thereof, in a conspicuous place in his office, subject to the inspection of all persons desiring employment or help, and the other shall be filed in his office for reference.

§ 43. Applicants for help, when to notify superintendent.— If an applicant for help has secured the same, he shall, within ten days thereafter, notify the superintendent of the bureau, to which application therefor was made. Such notice shall contain the name and last preceding address of the employes received through such bureau. If any such applicant neglects to so notify such superintendent, he shall be barred from all future rights and privileges of such employment bureau, at the discretion of the commissioner of labor statistics to whom the superintendent shall report such neglect.

ARTICLE IV.

CONVICT-MADE GOODS, AND DUTIES OF COMMISSIONER OF LABOR
STATISTICS RELATIVE THERETO.

Section 50. License for sale of convict-made goods.

51. Revocation of license.
52. Annual statement of licensee.
53. Labeling and marking of convict-made goods.
54. Duties of commissioner of labor statistics relative to violations; fines upon convictions.
55. Article not to apply to goods manufactured for use of state or a municipal corporation.

§ 50. License for sale of convict-made goods.—No person or corporation shall sell, or expose for sale, any convict-made goods, wares or merchandise, either by sample or otherwise, without a license therefor. Such license may be obtained upon application in writing to the comptroller, setting forth the residence or post-office address of the applicant, the class of goods desired to be dealt in, the town, village or city, with the street number, if any, at which the business of such applicant is to be located. Such application shall be accompanied with a bond, executed by two or more responsible citizens, or some legally incorporated surety company authorized to do business in this state, to be approved by the comptroller, in the sum of five thousand dollars, and conditioned that such applicant will comply with all the provisions of law, relative to the sale of convict-made goods, wares and merchandise. Such license shall be for a term of one year unless sooner revoked. Such person or corporation shall pay, annually, on or before the fifteenth day of January, the sum of five hundred dollars as a license fee, into the treasury of the state, which amount shall be credited to the maintenance account of the state prisons.

Such license shall be kept conspicuously posted in the place of business of such licensee.

§ 51. Revocation of license.—The comptroller may revoke the license of any such person or corporation, upon satisfactory evidence of, or upon conviction for the violation of any statute regulating the sale of convict-made goods, wares or merchandise; such revocation shall not be made until after due notice to the licensee so complained of. For the purpose of this section, the comptroller or any person duly appointed by him, may administer oaths and subpoena witnesses and take and hear testimony.

§ 52. Annual statement of licensee.—Each person or corporation so licensed shall, annually, on or before the fifteenth day of January, transmit to the secretary of state a verified statement setting forth:

1. The name of the person or corporation licensed.
2. The names of the persons, agents, wardens or keepers of any prison, jail, penitentiary, reformatory or establishment using convict labor, with whom he has done business, and the name and address of the person or corporation to whom he has sold goods, wares and merchandise, and
3. In general terms, the amount paid to each of such agents, wardens or keepers, for goods, wares or merchandise and the character thereof.

§ 53. Labeling and marking convict-made goods.—All goods, wares and merchandise made by convict labor in a penitentiary, prison, reformatory or other establishment in which convict labor is employed, shall be branded, labeled or marked as herein provided. The brand, label or mark, used for such purpose, shall contain at the head or top thereof, the words "convict-made," followed by the year when, and the name of the penitentiary, prison, reformatory or other establishment in which the article branded, labeled or marked was made.

Such brands, labels and marks shall be printed in plain English lettering, of the style and size known as great primer Roman condensed capitals. A brand or mark shall be used in all cases where the nature of the article will permit and only where such branding or marking is impossible shall a label be used. Such label shall be in the form of a paper tag and shall be attached by wire to each article, where the nature of the article will permit, and shall be placed securely upon the box, crate or other covering in which such goods, wares or merchandise are packed, shipped or exposed for sale.

Such brand, mark or label shall be placed upon the most conspicuous part of the finished article and its box, crate or covering.

No convict-made goods, wares or merchandise shall be sold or exposed for sale without such brand, mark or label.

§ 54. Duties of commissioner of labor statistics relative to violations; fines upon convictions.—The commissioner of labor statistics shall enforce the provisions of this article. If he has reason to believe that any of such provisions are being violated, he shall advise the district attorney of the county wherein such al-

leged violation has occurred of such fact, giving the information in support of his conclusion. The district attorney shall, at once, institute the proper proceedings to compel compliance with this article and secure conviction for such violations.

Upon the conviction of a person or corporation for a violation of this article, one-half of the fine recovered shall be paid and certified by the district attorney to the commissioner of labor statistics, who shall use such money in investigating and securing information, in regard to violations of this act and in paying the expenses of such conviction.

§ 55. Articles not to apply to goods manufactured for the use of the state or a municipal corporation.— Nothing in this article shall apply to or affect the manufacture in state prisons, reformatories and penitentiaries, and furnishing of articles for the use of the offices, departments and institutions of the state or any political division thereof, as provided by chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-six.

ARTICLE V.

FACTORY INSPECTOR, ASSISTANT AND DEPUTIES.

Section 60. Factory inspector and assistant.

61. Deputies and clerks.
62. General powers and duties of factory inspector.
63. Reports.
64. Badges.
65. Payment of salaries and expenses.
66. Sub-office in New York city.
67. Duties of factory inspector relative to apprentices.

§ 60. Factory inspector and assistant.— There shall continue to be a factory inspector and assistant factory inspector, who shall be appointed by the governor, by and with the advice and consent of the senate. The term of office of each shall be three years. The term of office of the successor of the factory inspector and assistant factory inspector in office when this chapter takes effect shall be abridged so as to expire on the last day of December preceding the time when each such term would otherwise expire, and thereafter each such term shall begin on the first day of January. There shall be paid to the factory inspector an annual salary of three thousand dollars, and to the assistant factory inspector an annual salary of two thousand five hundred dollars.

§ 61. **Deputies and clerks.**— The factory inspector may appoint, from time to time, not more than thirty-six persons as deputy factory inspectors, not more than ten of whom shall be women, and who may be removed by him at any time. Each deputy inspector shall receive an annual salary of one thousand two hundred dollars. The factory inspector may designate six or more of such deputies to inspect the buildings and rooms occupied and used as bakeries and to enforce the provisions of this chapter relating to the manufacture of flour or meal food products. One of such deputies shall have a knowledge of mining, whose duty it shall be, under the direction of the factory inspector, to inspect mines and quarries and to enforce the provisions of this chapter relating thereto.

The factory inspector may appoint one or more of such deputies to act as clerk in his principal office.

§ 62. **General powers and duties of factory inspector.**— The factory inspector may divide the state into districts, assign one or more deputy inspectors to each district, and may, in his discretion, transfer them from one district to another.

The factory inspector shall visit and inspect, or cause to be visited and inspected, the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter to be enforced therein and prosecute all persons violating the same.

Any lawful municipal ordinance, by-law or regulation relating to factories or their inspection, in addition to the provisions of this chapter and not in conflict therewith, shall be observed and enforced by the factory inspector.

The factory inspector, assistant and each deputy may administer oaths and take affidavits in matters relating to the enforcement of the provisions of this chapter.

No person shall interfere with, obstruct or hinder, by force or otherwise, the factory inspector, assistant factory inspector or deputies while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter.

All notices, orders and directions of assistant or deputy factory inspectors given in accordance with this chapter are subject to the approval of the factory inspector.

§ 63. **Reports.**— The factory inspector shall report annually to the legislature in the month of January. The assistant factory

Inspector and each deputy shall report to the factory inspector, from time to time, as he may require.

§ 64. Badges.— The factory inspector may procure and cause to be used, badges for himself, his assistant and deputies, while in the performance of their duties, the cost of which shall be a charge upon the appropriation made for the use of the department.

§ 65. Payment of salaries and expenses.— All necessary expenses incurred by the factory inspector and his assistant in the discharge of their duties, shall be paid by the state treasurer upon the warrant of the comptroller, issued upon proper vouchers therefor. The reasonable necessary traveling and other expenses of the deputy factory inspectors, while engaged in the performance of their duties, shall be paid in like manner upon vouchers approved by the factory inspector and audited by the comptroller. All such expenses and the salaries of the factory inspector, assistant and deputies shall be payable monthly.

§ 66. Sub-office in New York city.— The factory inspector may establish and maintain a sub-office in the city of New York, if, in his opinion, the duties of his office demand it. He may designate one or more of the deputy factory inspectors to take charge of and manage such office, subject to his direction. The reasonable and necessary expenses of such office shall be paid, as are other expenses of the factory inspector.

§ 67. Duties of factory inspector relative to apprentices.— The factory inspector, his assistant and deputies shall enforce the provisions of the Domestic Relations Law, relative to indentures of apprentices, and prosecute employers for failure to comply with the provisions of such indentures and of such law in relation thereto.

ARTICLE VI.

FACTORIES.

Section 70. Employment of minors.

71. Certificate for employment; how issued.
72. Contents of certificate.
73. School attendance required.
74. Vacation certificates.
75. Report of certificates issued.
76. Registry of children employed.
77. Hours of labor of minors.
78. Change of hours of labor of minors

- Section 79. Enclosure and operation of elevators and hoisting shafts; inspection.
80. Stairs and doors.
81. Protection of employes operating machines.
82. Fire escapes.
83. Factory inspector may order erection of fire escapes.
84. Walls and ceilings.
85. Size of rooms.
86. Ventilation.
87. Accidents to be reported.
88. Wash-room and water-closets.
89. Time allowed for meals.
90. Inspection of factory buildings.

§ 70. **Employment of minors.**—A child under the age of fourteen years shall not be employed in any factory in this state. A child between the ages of fourteen and sixteen years shall not be so employed, unless a certificate executed by a health officer be filed in the office of the employer.

§ 71. **Certificate for employment, how issued.**—Such certificate shall be issued by the executive officer of the board, department or commissioner of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated, by resolution, for that purpose, upon the application of the child desiring such employment. At the time of making such application, there shall be filed with such board, department, commissioner or officer, the affidavit of the parent or guardian of such child, or the person standing in parental relation thereto, showing the date and place of birth of such child. Such certificate shall not be issued unless the officer issuing the same is satisfied that such child is fourteen years of age or upwards, and is physically able to perform the work which he intends to do. No fee shall be demanded or received for administering an oath as required by this section.

§ 72. **Contents of certificate.**—Such certificate shall state the date and place of birth of the child, if known, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that, in the opinion of the officer issuing such certificate, such child is upwards of fourteen years of age, and is physically able to perform the work which he intends to do.

§ 73. **School attendance required.**—No such certificate shall be granted unless it appears to the satisfaction of such board, department, commissioner or officer, that the child applying therefor has regularly attended at a school in which reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school, for a period equal to one school year, during the year previous to his arriving at the age of fourteen years, or during the year previous to applying for such certificate, and is able to read and write simple sentences in the English language.

The principal or chief executive officer of a school, or teacher elsewhere than at a school, shall furnish, upon demand, to a child who has attended at such school or been instructed by such teacher, or to the factory inspector, his assistant or deputies, a certificate stating the school attendance of such child.

§ 74. **Vacation certificates.**—A child of fourteen years of age, who can read and write simple sentences in the English language, may be employed in a factory during the vacation of the public schools of the city or school district where such child resides upon complying with all the provisions of the foregoing sections, except that requiring school attendance. The certificate issued to such child shall be designated a "vacation certificate," and no employer shall employ a child to whom such a certificate has been issued, to work in a factory at any time other than the time of the vacation of the public school in the city or school district where such factory is situated.

§ 75. **Report of certificates issued.**—The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the office of the factory inspector a list of the names of the children to whom certificates have been issued.

§ 76. **Registry of children employed.**—Each person owning or operating a factory and employing children therein shall keep, or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years.

Such register and the certificates filed in such office shall be produced for inspection, upon the demand of the factory inspector, his assistant or deputies.

§ 77. **Hours of labor of minors.**—A female under the age of twenty-one years or a male under the age of eighteen years shall

not be employed at labor in any factory in this state before six o'clock in the morning or after nine o'clock in the evening of any day, or for more than ten hours in any one day or sixty hours in any one week, except to make a shorter work day on the last day of the week; or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked. A printed notice stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed.

But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not be required to perform any labor in such factory, except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the factory inspector.

§ 78. Change of hours of labor of minors.—When, in order to make a shorter work day on the last day of the week, a female under twenty-one, or a male under eighteen years of age, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such persons shall notify the factory inspector, in writing, of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employes thus required or permitted to work overtime, with the amount of such overtime and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the factory inspector.

§ 79. Enclosure and operation of elevators and hoisting shafts; inspection.—If, in the opinion of the factory inspector, it is necessary to protect the life or limbs of factory employes, the owner, agent, or lessee of such factory where an elevator, hoisting shafts, or well hole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially enclosed, secured or guarded, and shall provide such proper traps or automatic doors so fastened in or at all elevator ways, except passenger elevators enclosed on all sides, as to form a substantial surface when closed and so constructed as to open

and close by action of the elevator in its passage either ascending or descending. The factory inspector may inspect the cable, gearing or other apparatus of elevators in factories and require them to be kept in a safe condition.

No child under the age of fifteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator in a factory, nor shall any person under the age of eighteen years be employed or permitted to have the care, custody or management of or to operate an elevator therein, running at a speed of over two hundred feet a minute.

§ 80. **Stairs and doors.**—Proper and substantial hand rails shall be provided on all stairways in factories. The steps of such stairs shall be covered with rubber, securely fastened thereon, if in the opinion of the factory inspector the safety of employes would be promoted thereby. The stairs shall be properly screened at the sides and bottom. All doors leading in or to any such factory shall be so constructed as to open outwardly where practicable, and shall not be locked, bolted or fastened during working hours.

§ 81. **Protection of employes operating machinery.**—The owner or person in charge of a factory where machinery is used, shall provide, in the discretion of the factory inspector, belt-shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws and machinery, of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels, grindstones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the factory inspector, and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used. When, in the opinion of the factory inspector, it is necessary, the halls leading to workrooms shall be properly lighted. No male person under eighteen years of age or woman under twenty-

one shall be permitted or directed to clean machinery while in motion.

§ 82. **Fire escapes.**—Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this state consisting of three or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened and secured, and shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, embracing at least two windows at each story and connected with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs, not less than eighteen inches wide, with steps of not less than six inches tread, placed at a proper slant and protected by a well-secured hand-rail on both sides, and shall have a drop ladder not less than twelve inches wide reaching from the lower platform to the ground.

The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility from the stairways and elevator hatchways or openings, and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story to the roof, as a means of escape in case of fire.

§ 83. **Factory inspector may order erection of fire escapes.**—Any other plan or style of fire escape shall be sufficient if approved in writing by the factory inspector. If there is no fire escape, or the fire escape in use is not approved by the factory inspector, he may, by a written order served upon the owner, proprietor or lessee of any factory, or the agent or superintendent thereof, or either of them, require one or more fire escapes to be provided therefor, at such locations and of such plan and style as shall be specified in such order.

Within twenty days after the service of such order, the number of fire escapes required therein shall be provided, each of which shall be of the plan and style specified in the order, or of the plan and style described in the preceding section.

§ 84. **Walls and ceilings.**—The walls and ceilings of each work-room in a factory shall be lime washed or painted, when in the opinion of the factory inspector, it will be conducive to the health or cleanliness of the persons working therein.

§ 85. **Size of rooms.**—No more employes shall be required or permitted to work in a room in a factory between the hours of six o'clock in the morning and six o'clock in the evening than will allow to each of such employes, not less than two hundred and fifty cubic feet of air space; and, unless by a written permit of the factory inspector, not less than four hundred cubic feet for each employe, so employed between the hours of six o'clock in the evening and six o'clock in the morning, provided such room is lighted by electricity at all times during such hours, while persons are employed therein.

§ 86. **Ventilation.**—The owner, agent or lessee of a factory shall provide, in each workroom thereof, proper and sufficient means of ventilation; in case of failure the factory inspector shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall forfeit to the people of the state, ten dollars for each day after the expiration of such twenty days, to be recovered by the factory inspector, in his name of office.

§ 87. **Accidents to be reported.**—The person in charge of any factory, shall report in writing to the factory inspector all accidents or injuries sustained by any person therein, within forty-eight hours after the time of the accident, stating as fully as possible the extent and cause of the injury, and the place where the injured person has been sent, with such other information relative thereto as may be required by the factory inspector who may investigate the cause of such accident, and require such precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

§ 88. **Wash-room and water-closets.**—Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which shall be properly screened, ventilated and kept clean and free from all obscene writing or marking; and also a suitable and convenient wash-room. The water-closets used by women shall have separate approaches. If women or girls are employed, a dressing-room shall be provided for them, when required by the factory inspector.

§ 89. **Time allowed for meals.**—In each factory at least sixty minutes shall be allowed for the noon-day meal, unless the factory inspector shall permit a shorter time. Such permit must be in writing and conspicuously posted in the main entrance of the

factory, and may be revoked at any time. Where employes are required or permitted to work overtime for more than one hour after six o'clock in the evening, they shall be allowed at least twenty minutes to obtain a lunch, before beginning to work overtime.

§ 90. Inspection of factory buildings.—The factory inspector, or other competent person designated by him, upon request, shall examine any factory outside of the cities of New York and Brooklyn, to determine whether it is in a safe condition. If it appears to him to be unsafe, he shall immediately notify the owner, agent or lessee thereof, specifying the defects, and require such repairs and improvements to be made as he may deem necessary. If the owner, agent or lessee shall fail to comply with such requirement, he shall forfeit to the people of the state the sum of fifty dollars, to be recovered by the factory inspector in his name of office.

ARTICLE VII.

TENEMENT-MADE ARTICLES.

Section 100. Manufacture of articles in tenements.

101. Register of persons to whom work is given.
102. Goods unlawfully manufactured to be labeled.
103. Powers and duties of boards of health relative to tenement-made articles.
104. Owners of tenements and dwelling-houses not to permit the unlawful use thereof.
105. Copy of articles to be posted.

§ 100. Manufacture of articles in tenements.—No room or apartment in a tenement or dwelling-house shall be used, except by the immediate members of the family living therein, for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, skirts, purses, feathers, artificial flowers, cigarettes or cigars. No person shall be employed to work in a room or apartment of a building in the rear of a tenement or dwelling-house at manufacturing any of such articles, without first obtaining from the factory inspector a written permit stating the maximum number of employes allowed to work therein. Before such permit shall be granted, an inspection of the premises must be made by the factory inspector. Such notice must be framed and posted in a conspicuous place in each room or apartment to which it relates. It

may be revoked by the factory inspector if the health of the community or of the employes requires it.

§ 101. Register of persons to whom work is given.— Persons contracting for the manufacture of such articles, or giving out material from which they or any part of them are to be manufactured, shall keep a written register of the names and addresses of the persons to whom such work is given to be made, or with whom they have contracted to do the same. Such register shall be subject to inspection by the factory inspector, and a copy thereof shall be furnished on his demand.

§ 102. Goods unlawfully manufactured to be labeled.— Such articles manufactured contrary to the provisions of this section shall not be knowingly sold or exposed for sale by any person.

The factory inspector shall conspicuously affix to any such article found to be unlawfully manufactured, a label containing the words “tenement made,” printed in small pica capital letters on a tag not less than four inches in length, and an officer finding such article shall notify the person owning or alleging to own such article that he has so labeled it. No person shall remove or deface any tag or label so affixed.

§ 103. Powers and duties of boards of health relative to tenement-made articles.— If the factory inspector discovers any of the articles mentioned in this article to be made under unclean or unhealthful conditions, he shall affix to such articles the label prescribed in the preceding section, and immediately report to the local board of health, who shall disinfect such articles, if necessary, and thereupon remove such label. If the factory inspector is convinced that infectious or contagious diseases exist in a workshop, or that articles manufactured or in process of manufacture therein are infected, or that goods used therein are unfit for use, he shall report to the local board of health, and such board shall issue such order as the public health may require. Such board may condemn and destroy all such infected articles or articles manufactured or in the process of manufacture under unclean or unhealthful conditions.

§ 104. Owners of tenement and dwelling-houses not to permit the unlawful use thereof.— The owner, lessee or agent of a tenement or dwelling-house shall not permit the use thereof for the manufacture of any of the articles mentioned in this article contrary to its provisions. If a room or apartment in such tenement or dwelling-house be so unlawfully used, the factory inspector shall serve a notice thereof upon such owner, lessee or agent.

Unless such owner, lessee or agent shall cause such unlawful manufacture to be discontinued within thirty days after the service of such notice, or, within fifteen days thereafter, institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement or dwelling-house, who unlawfully manufactures such articles in any room or apartment therein, he shall be deemed guilty of a violation of this article, as if he, himself, was engaged in such unlawful manufacture.

The unlawful manufacture of any of such articles by the occupant of a room or apartment of a tenement or dwelling-house, shall be a cause for dispossessing such occupant by summary proceedings to recover possession of real property, as provided in the Code of Civil Procedure.

§ 105. Copy of article to be posted.—A copy of articles five, six and seven shall be posted in a conspicuous place in each work-room of every factory where persons are employed who are affected by the provisions thereof.

ARTICLE VIII.

BAKERIES AND CONFECTIONERY ESTABLISHMENTS.

Section 110. Hours of labor in bakeries and confectionery establishments.

111. Drainage and plumbing of buildings and rooms occupied by bakeries.

112. Requirements as to rooms, furniture, utensils and manufactured products.

113. Wash-rooms and closets; sleeping places.

114. Inspection of bakeries.

115. Notice requiring alterations.

§ 110. Hours of labor in bakeries and confectionery establishments.—No employe shall be required or permitted to work in a biscuit, bread or cake bakery or confectionery establishment more than sixty hours in any one week, or more than ten hours in any one day, unless for the purpose of making a shorter work day on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the number of days during such week in which such employe shall work.

§ 111. Drainage and plumbing of buildings and rooms occupied by bakeries.—All buildings or rooms occupied as biscuit, bread, pie or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof,

and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure ventilation. The factory inspector may direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement, not now used for a bakery shall hereafter be so occupied or used, unless the proprietor shall comply with the sanitary provisions of this article.

§ 112. Requirements as to rooms, furniture, utensils and manufactured products.—Every room used for the manufacture of flour or meal food products shall be at least eight feet in height and shall have, if deemed necessary by the factory inspector, an impermeable floor constructed of cement, or of tiles laid in cement, or an additional flooring of wood properly saturated with linseed oil. The side walls of such rooms shall be plastered or wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed, at least once in three months. He may also require the wood work of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed and not prevent the proper cleaning of any part of a room. The manufactured flour or meal food products shall be kept in dry and airy rooms so arranged that the floors, shelves and all other facilities for storing the same can be properly cleaned. No domestic animals, except cats, shall be allowed to remain in a room used as a biscuit, bread, pie, or cake bakery or any room in such bakery where flour or meal products are stored.

§ 113. Wash room and closets; sleeping places.—Every such bakery shall be provided with a proper wash-room and water-closet or water-closets apart from the bake-room, or rooms where the manufacture of such food product is conducted, and no water-closet, earth-closet, privy or ash-pit shall be within or connected directly with the bake-room of any bakery, hotel or public restaurant.

No person shall sleep in a room occupied as a bake-room. Sleeping places for the persons employed in the bakery shall be separate from the rooms where flour or meal food products are manufactured or stored. If the sleeping places are on the same floor where such products are manufactured, stored or sold, the factory inspector may inspect and order them put in a proper sanitary condition.

§ 114. Inspection of bakeries.—The factory inspector shall cause all bakeries to be inspected. If it be found upon such inspection that the bakeries so inspected are constructed and conducted in

compliance with the provisions of this chapter, the factory inspector shall issue a certificate to the persons owning or conducting such bakeries.

§ 115. Notice requiring alterations.—If, in the opinion of the factory inspector, alterations are required in or upon premises occupied and used as bakeries, in order to comply with the provisions of this article, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly.

ARTICLE IX.

MINES AND THEIR INSPECTION.

Section 120. Duties of factory inspector relating to mines; record and report.

121. Outlets of mines.

122. Ventilation and timbering of mines.

123. Riding on loaded cars; storage of inflammable supplies.

124. Inspection of steam boilers and apparatus; steam and water gauges.

125. Use of explosives; blasting.

126. Report of accidents.

127. Notice of dangerous condition.

128. Enforcement of article.

129. Admission of inspectors to mines.

Section 120. Duties of factory inspector relating to mines; record and report.—The factory inspector shall see that every necessary precaution is taken to insure the safety and health of employes employed in the mines and quarries of the state and shall prescribe rules and regulations therefor; keep a record of the names and location of such mines and quarries, and the names of the persons or corporations owning or operating the same; collect data concerning the working thereof; examine carefully into the method of timbering shafts, drifts, inclines, slopes and tunnels, through which employes and other persons pass, in the performance of their daily labor, and see that the persons or corporations owning and operating such mines and quarries comply with the provisions of this chapter; and such information shall be furnished by the person operating such mine or quarry, upon the demand of the factory inspector.

The factory inspector shall keep a record of all mine and quarry examinations, showing the date thereof, and the condition in which the mines and quarries are found, and the manner of working the same. He shall make an annual report to the legislature during the month of January, containing a statement of the number of mines and quarries visited, the number in operation, the number of men employed, and the number and cause of accidents, fatal and nonfatal, that may have occurred in and about the same.

§ 121. **Outlets of mines.**—If, in the opinion of the factory inspector, it is necessary for safety of employes, the owner, operator or superintendent of a mine, operating through either a vertical or oblique shaft, or a horizontal tunnel, shall not employ any person therein unless there are in connection with the subterranean workings thereof not less than two openings or outlets, at least one hundred and fifty feet apart, and connected with each other. Such openings or outlets shall be so constructed as to provide safe and distinct means of ingress and egress from and to the surface, at all times, for the use of the employes of such mine.

§ 122. **Ventilation and timbering of mines.**—In each mine a ventilating current shall be conducted and circulated along the face of all working places and through the roadways, in sufficient quantities to insure the safety of employes and remove smoke and noxious gases.

Each owner, agent, manager or lessee of a mine shall cause it to be properly timbered, and the roof and sides of each working place therein properly secured. No person shall be required or permitted to work in an unsafe place or under dangerous material, except to make it secure.

§ 123. **Riding on loaded cars ; storage of inflammable supplies.**—No person shall ride or be permitted to ride on any loaded car, cage or bucket into or out of a mine. No powder or oils of any description shall be stored in a mine or quarry, or in or around shafts, engine or boiler-houses, and all supplies of an inflammable and destructive nature shall be stored at a safe distance from the mine openings.

§ 124. **Inspection of steam boilers and apparatus ; steam and water gauges.**—All boilers used in generating steam for mining purposes shall be kept in good order, and the owner, agent, manager or lessee of such mine shall have such boilers inspected by a competent person, approved by the factory inspector, once in six

months, and shall file a certificate showing the result thereof in the mine office and a duplicate thereof in the office of the factory inspector. All engines, brakes, cages, buckets, ropes and chains shall be kept in good order and inspected daily by the superintendent of the mine or a person designated by him.

Each boiler or nest of boilers used in mining for generating steam, shall be provided with a proper safety valve and with steam and water gauges, to show, respectively, the pressure of steam and the height of water in the boilers. Every boiler-house in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine-house, and so placed that the engineer or fireman can readily ascertain the pressure carried.

§ 125. **Use of explosives ; blasting.**—When high explosives other than gunpowder are used in a mine or quarry, the manner of storing, keeping, moving, charging and firing, or in any manner using such explosives, shall be in accordance with rules prescribed by the factory inspector.

In charging holes for blasting, in slate, rock or ore in any mine or quarry, no iron or steel pointed needle or tamping bar shall be used, unless the end thereof is tipped with at least six inches of copper or other soft material. No person shall be employed to blast unless the mine superintendent or person having charge of such mine, is satisfied that he is qualified, by experience, to perform the work with ordinary safety. When a blast is about to be fired in a mine timely notice thereof shall be given by the person in charge of the work, to all persons who may be in danger therefrom.

§ 126. **Report of accidents.**—Whenever loss of life or serious accident shall occur in the operation of a mine or quarry, the owner, agent, manager or lessee thereof shall immediately report, in writing, all the facts connected therewith to the factory inspector.

§ 127. **Notice of dangerous condition** — If the factory inspector, after examination or otherwise, is of the opinion that a mine or anything used in the operation thereof, is unsafe, he shall immediately serve a written notice, specifying the defects, upon the owner, agent, manager or lessee, who shall forthwith remedy the same.

§ 128. **Enforcement of article.**—The factory inspector may serve a written notice upon the owner, agent, manager or lessee of a mine

requiring him to comply with a specified provision of this article. The factory inspector may thereafter begin an action in the supreme court to enforce compliance with such provisions; and upon such notice as the court directs, an order may be granted, restraining the working of such mine during such time as may be therein specified.

§ 129. Admission of inspectors to mines.—The owner, agent, manager or lessee of a mine, at any time, either day or night, shall admit to such mine or any building used in the operation thereof, the factory inspector or any person duly authorized by him, for the purpose of making the examinations and inspections necessary for the enforcement of this article, and shall render any necessary assistance for such inspections.

ARTICLE X.

STATE BOARD OF MEDIATION AND ARBITRATION.

Section 140. Organization of board.

- 141. Secretary and his duties.
- 142. Arbitration by the board.
- 143. Mediation in case of strike or lock-out.
- 144. Decisions of board.
- 145. Annual report.
- 146. Submission of controversies to local arbitrators.
- 147. Consent; oath; powers of arbitrators.
- 148. Decision of arbitrators.
- 149. Appeals.

Section 140. Organization of board.—There shall continue to be a state board of mediation and arbitration, consisting of three competent persons to be known as arbitrators, appointed by the governor, by and with the advice and consent of the senate, each of whom shall hold his office for the term of three years, and receive an annual salary of three thousand dollars. The term of office of the successors of the members of such board in office when this chapter takes effect, shall be abridged so as to expire on the thirty-first day of December preceding the time when each such term would otherwise expire, and thereafter each term shall begin on the first day of January.

One member of such board shall belong to the political party casting the highest, and one to the party casting the next highest number of votes for governor at the last preceding gubernatorial election. The third shall be a member of an incorporated labor organization of this state.

Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the state. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

§ 141. **Secretary and his duties.**—The board shall appoint a secretary, whose term of office shall be three years. He shall keep a full and faithful record of the proceedings of the board, and all documents and testimony forwarded by the local boards of arbitration, and shall perform such other duties as the board may prescribe. He may, under the direction of the board, issue subpoenas and administer oaths in all cases before the board, and call for and examine books, papers and documents of any parties to the controversy.

He shall receive an annual salary of two thousand dollars, payable in the same manner as that of the members of the board.

§ 142. **Arbitration by the board.**—A grievance or dispute between an employer and his employes may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lock-out or strike.

Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpoena witnesses, compel their attendance and take and hear testimony. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

§ 143. **Mediation in case of strike or lock-out.**—Whenever a strike or lock-out occurs or is seriously threatened, the board shall proceed as soon as practicable to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. It may inquire into the cause thereof, and for that purpose has the same power as in the case of a controversy submitted to it for arbitration.

§ 144. **Decisions of board.**—Within ten days after the completion of every examination or investigation authorized by this article, the board or a majority thereof shall render a decision, stat-

ing such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy.

Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy, and in case of a submission to arbitration, a copy shall be filed in the office of the clerk of the county or counties where the controversy arose.

§ 145. **Annual report.**—The board shall make an annual report to the legislature, and shall include therein such statements and explanations as will disclose the actual work of the board, the facts relating to each controversy considered by them and the decision thereon together with such suggestions as to legislation as may seem to them conducive to harmony in the relations of employers and employes.

§ 146. **Submission of controversies to local arbitrators.**—A grievance or dispute between an employer and his employes may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employes concerned are members in good standing of a labor organization, which is represented by one or more delegates in a central body, one arbitrator may be appointed by such central body and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board.

If the employes concerned in such grievance or dispute are members of good standing of a labor organization which is not represented in a central body, the organization of which they are members may select and designate one arbitrator. If such employes are not members of a labor organization, a majority thereof at a meeting duly called for that purpose, may designate one arbitrator for such board.

§ 147. **Consent; oath; powers of arbitrators.**—Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy.

The board may, through its chairman subpoena witnesses, compel their attendance and take and hear testimony.

The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

§ 148. **Decision of arbitrators.**—The board shall, within ten days after the close of the hearing, render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. Such decision shall be a settlement of the matter submitted to such arbitrators, unless within ten days thereafter an appeal is taken therefrom to the state board of mediation and arbitration.

One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose and one copy shall be transmitted to the secretary of the state board of mediation and arbitration.

§ 149. **Appeals.**—The state board of mediation and arbitration shall hear, consider and investigate every appeal to it from any such board of local arbitrators and its decisions shall be in writing and a copy thereof filed in the clerk's office of the county or counties where the controversy arose and duplicate copies served upon each party to the controversy. Such decision shall be final and conclusive upon all parties to the arbitration.

ARTICLE XI.

EMPLOYMENT OF WOMEN AND CHILDREN IN MERCANTILE ESTABLISHMENTS.

Section 160. Application of article.

- 161. Hours of labor of minors.
- 162. Employment of children.
- 163. Certificate for employment; how issued.
- 164. Contents of certificate.
- 165. School attendance required.
- 166. Employment of children during vacations of public schools.
- 167. Registry of children employed.
- 168. Wash-rooms and water-closets.
- 169. Lunch-rooms.
- 170. Seats for women in mercantile establishments.
- 171. Employment of women and children in basements.
- 172. Enforcement of article.
- 173. Copy of article to be posted.

§ 160. **Application of article.**—The provisions of this article shall apply to all villages and cities which at the last preceding state enumeration had a population of three thousand or more.

§ 161. **Hours of labor of minors.**—No male employe, under sixteen years of age, and no female employe, under twenty-one years of age, shall be required to work in any mercantile establishment more than sixty hours in any one week, nor more than ten hours in any one day, unless for the purpose of making a shorter work day of some one day of the week, nor shall any such employe be required or permitted to work before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of such persons on Saturday, provided the total number of hours of labor in a week of any such person does not exceed sixty hours, nor to the employment of such persons between the fifteenth day of December and the following first day of January. Not less than forty-five minutes shall be allowed for the noon-day meal of the employes of any such establishment.

§ 162. **Employment of children.**—A child under the age of fourteen years shall not be employed in any mercantile establishment, except that a child upwards of twelve years of age may be employed therein during the vacation of the public schools of the city or district where such establishment is situated. No child under the age of sixteen years shall be employed in any mercantile establishment, unless such child shall produce a certificate issued as provided in this article, to be filed in the office of such establishment.

§ 163. **Certificate for employment ; how issued.**—Such certificate shall be issued by the executive officer of the board, department or commissioner of health of the city, town or village, where such child resides or is to be employed, or by such other officer thereof as may be designated, by resolution for that purpose, upon the application of the child desiring such employment. At the time of making such application there shall be filed with such board, department, commissioner or officer, the affidavit of the parent or guardian of such child or the person standing in parental relation thereto, showing the date and place of birth of such child. Such certificate shall not be issued unless the officer issuing the same, is satisfied that such child is fourteen years of age or upwards, and is physically able to perform the work, which he in-

tends to do. No fee shall be demanded or received for administering an oath as required by this section.

§ 164. **Contents of certificate.**—Such certificate shall state the date and place of birth of the child, if known, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that, in the opinion of the officer issuing such certificate, such child is upwards of fourteen years of age, and is physically able to perform the work which he intends to do.

§ 165. **School attendance required.**—No such certificate shall be issued unless it appears to the satisfaction of such board, department, commissioner or officer, that the child applying therefor has regularly attended at a school in which reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school, for a period equal in length to one school year, during the year previous to his arriving at the age of fourteen years, or during the year previous to applying for such certificate, and is able to read and write simple sentences in the English language.

The principal or other executive officer of a school at which a child has been in attendance, or the teacher who has instructed such child elsewhere than at a school, shall furnish to such child or to the board or department of health, or health officer or commissioner, upon demand, a statement of the school attendance of such child.

§ 166. **Employment of children during vacations of public schools.**—Children of the age of twelve years or more who can read and write simple sentences in the English language may be employed in mercantile establishments during the vacation of the public schools in the city or school district where such children reside, upon complying with all the provisions of this section, except that requiring school attendance. Certificates, to be designated as “vacation certificates,” may be issued to such children in the same form, containing the same statements and issued by the same officers as the other certificates required by this article. Such vacation certificate shall specify the time in which the child may be employed in a mercantile establishment, which in no case shall be other than the time in which the public schools where such children reside, are closed for a vacation.

§ 167. **Registry of children employed.**—The owner, manager or agent of a mercantile establishment employing children, shall

keep, or cause to be kept, in the office of such establishment, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years.

Such register and the certificates filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated.

§ 168. Wash-rooms and water-closets.— Suitable and proper wash-rooms and water-closets shall be provided in, adjacent to or connected with mercantile establishments where women and children are employed. Such rooms and closets shall be so located and arranged as to be easily accessible to the employes of such establishments.

Such water-closets shall be properly screened and ventilated, and, at all times, kept in a clean condition. The water-closets assigned to the female employes of such establishments shall be separate from those assigned to the male employes.

If a mercantile establishment has not provided wash-rooms and water-closets, as required by this section, the board or department of health or health commissioners of the town, village or city where such establishment is situated, shall cause to be served upon the owner of the building occupied by such establishment, a written notice of the omission and directing such owner to comply with the provisions of this section respecting such wash-rooms and water-closets.

Such owner shall, within fifteen days after the receipt of such notice, cause such wash-rooms and water-closets to be provided.

§ 169. Lunch-rooms.— If a lunch-room is provided in a mercantile establishment where females are employed, such lunch-room shall not be next to or adjoining the water-closets, unless permission is first obtained from the board or department of health or health commissioners of the town, village or city where such mercantile establishment is situated. Such permission shall be granted unless it appears that proper sanitary conditions do not exist, and it may be revoked at any time by the board or department of health or health commissioner, if it appears that such lunch-room is kept in a manner or in a part of the building injurious to the health of the employes.

§ 170. Seats for women in mercantile establishments.— Chairs stools or other suitable seats shall be maintained in mercantile establishments for the use of female employes therein, to the number of at least one seat for every three females employed, and the use thereof by such employes shall be allowed at such times and to such extent as may be necessary for the preservation of their health. If the duties of the female employes, for the use of whom the seats are furnished, are to be principally performed in front of a counter, table, desk or fixture, such seats shall be placed in front thereof; if such duties are to be principally performed behind such counter, table, desk or fixture, such seats shall be placed behind the same.

§ 171. Employment of women and children in basements.— Women or children shall not be employed or directed to work in the basement of a mercantile establishment, unless permitted by the board or department of health, or health commissioner of the town, village or city where such mercantile establishment is situated. Such permission shall be granted unless it appears that such basement is not sufficiently lighted and ventilated, and is not in good sanitary condition.

§ 172. Enforcement of article.— The board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within thirty days after the alleged offense was committed. All officers and members of such boards or department, all health commissioners, inspectors and other persons appointed or designated by such boards, departments or commissioners may visit and inspect, at reasonable hours and when practicable and necessary, all mercantile establishments within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile establishment shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article.

§ 173. Copy of article to be posted.— A copy of this article shall be posted in three conspicuous places in each mercantile establishment affected by its provisions.

ARTICLE XII.

EXAMINATION AND REGISTRATION OF HORSESHOERS.

Section 180. Application of article.

181. Board of examiners.

182. Examination of applicants.

183. Registration of horseshoers.

184. Practice without examination.

§ 180. *Application of article.*— This article applies to all cities of the first and second class.

§ 181. *Board of examiners.*— There shall continue to be a board of examiners of horseshoers consisting of one veterinarian, two master horseshoers and two journeyman horseshoers, all of whom shall be citizens and residents of cities of the first or second class. The examiners in office when this chapter takes effect shall continue therein until the thirty-first day of December following the date of the expiration of the terms for which they were respectively appointed, and thereafter their successors shall be appointed by the governor for a term of five years.

§ 182. *Examination of applicants.*— The board of examiners shall, as often as necessary, hold sessions in the cities affected by this article for the purpose of examining applicants, desiring to practice as master or journeyman horseshoers. A person is not qualified to take such examination unless he has served an apprenticeship at horseshoeing for at least three years.

If the person examined is shown to be qualified to practice horseshoeing, the board shall issue to him a certificate stating his name and residence, the time when examined, when and where his apprenticeship was served, and that he is qualified to practice as a master or journeyman horseshoer.

Before he is entitled to be examined, an applicant must file with the board a written application stating his name, place of residence, and when, where and with whom his apprenticeship has been served.

The board shall receive as compensation a fee of five dollars from each person examined.

§ 183. *Registration of horseshoers.*— Each journeyman or master horseshoer shall present such certificate to the clerk of the county where he proposes to practice, and such clerk shall cause his name, residence and place of business to be registered in a book to be

known as the "master and journeyman horseshoers' register." For each name so registered, the clerk is entitled to a fee of twenty-five cents. No person shall practice horseshoeing as a master or journeyman horseshoer in a city of the first or second class unless he is registered and has a certificate, as provided by this article.

§ 184. **Practice without examination.**—A person who has practiced as a master or journeyman horseshoer outside a city of the first or second class and within the United States continuously for a period of three years may present to the board of examiners his affidavit, stating his name, age, place of residence and when and where he has practiced as such horseshoer. The board shall thereupon issue to him a certificate stating the facts set forth in such affidavit, and that such person is entitled to practice as a master or journeyman horseshoer, as the case may be.

The person to whom the certificate is issued shall present it to the county clerk of the county where he intends to practice, and his name shall be registered, as provided in the preceding section. Such person may thereafter practice as a master or journeyman horseshoer in such county without examination.

The board is entitled to a fee of one dollar for each certificate issued under this section.

ARTICLE XIII.

LAWS REPEALED; WHEN TO TAKE EFFECT.

Section 190. Laws repealed.

191. When to take effect.

Section 190. **Laws repealed.**—Of the laws enumerated in the schedule hereto annexed, that portion specified in the third column thereof is repealed.

§ 191. **When to take effect.**—This chapter shall take effect the first day of June, eighteen hundred and ninety-seven.

SCHEDULE OF LAWS REPEALED.

Laws of	Sections.	Subject of act.
1870, ch. 385....	All, except § 4.....	Hours of labor regulated.
1871, ch. 934....	3.....	Duties of factory inspector as to apprentices.
1881, ch. 298....	All, except § 2.....	Seats for female employes.

Laws of	Sections.	Subject of act.
1883, ch. 356....	All, except § 3.....	Bureau of labor statistics.
1885, ch. 314....	All.....	Scaffolding for use of employes on buildings.
1885, ch. 376....	All.....	Payment of wages by receiver of corporations.
1886, ch. 151....	All.....	Hours of labor on street, surface and elevated railroads in cities of over 500,000.
1886, ch. 409....	All, except first § 21..	Factory inspector; employment of children and women in factories, tenements, etc.
1886, ch. 410....	All.....	State board of arbitration and mediation. Superseded by L. 1887, ch. 63.
1887, ch. 63.....	All.....	State board of mediation and arbitration.
1887, ch. 462....	All.....	Amends L. 1886, ch. 409.
1887, ch. 529....	All, except § 2.....	Hours of labor of employes of street, surface and elevated railroads in cities of over 100,000.
1888, ch. 437....	All.....	Amends L. 1871, ch. 934, § 3.
1889, ch. 380....	All.....	Preference to citizens of state as laborers on public works.
1889, ch. 381....	All.....	Cash payment of wages by corporation.
1889, ch. 385....	All.....	Registration of labels, etc., by trades unions.
1889, ch. 560....	All.....	Amends L. 1886, ch. 409.

Laws of	Sections.	Subject of act.
1890, ch. 388....	All, except § 2.....	Weekly payment of wages by corporations.
1890, ch. 394....	All, except §§ 8,13,20.	Inspection of mines.
1890, ch. 398....	All.....	Amends L. 1886, ch. 409.
1891, ch. 214....	All.....	Amends L. 1885, ch. 314.
1892, ch. 517....	All, except § 5.....	Examination of scaffoldings.
1892, ch. 667....	All, except § 2.....	Safety of workmen in mines.
1892, ch. 673....	All.....	Amends L. 1886, ch. 409.
1892, ch. 711....	All, except § 4.....	Hours of service on railroads.
1893, ch. 173....	All, except § 6.....	Amends L. 1886, ch. 409.
1893, ch. 219....	All.....	Labels, etc., of trades unions.
1893, ch. 339....	All.....	Amends L. 1892, ch. 667.
1893, ch. 691....	All, except § 3.....	Hours of labor in brickyards.
1893, ch. 715....	All.....	Amends L. 1892, ch. 517.
1893, ch. 717....	All.....	Amends L. 1890, ch. 388.
1894, ch. 277....	All.....	Stone used in state or municipal works to be dressed within the state.
1894, ch. 373....	All.....	Badges of factory inspectors.
1894, ch. 622....	All.....	Amends L. 1870, ch. 385, § 2.
1894, ch. 699....	All, except § 8.....	Sale of convict-made goods.
1895, ch. 324....	All.....	Abolishes office of mining inspector.

Laws of	Sections.	Subject of act.
1895, ch. 413....	All.....	Amends L. 1894, ch. 277.
1895, ch. 518....	All, except § 7.....	Manufacture of flour and meal products.
1895, ch. 670....	All.....	Deputy mine inspector.
1895, ch. 765....	All.....	Amends L. 1892, ch. 667, § 1.
1895, ch. 899....	All.....	Payment of wages of employes of co-partnerships by receiver.
1896, ch. 271....	All, except § 6.....	Examination and registration of horse-shoers.
1896, ch. 384....	All, except § 11.....	Employment of women and children in mercantile establishments.
1896, ch. 672....	All.....	Amends L. 1895, ch. 518.
1896, ch. 789....	All.....	Amends L. 1893, ch. 691, § 2.
1896, ch. 931....	All, except §§ 5, 6....	Labeling and marking convict-made goods.
1896, ch. 936....	All, except § 5.....	Protection of persons employed on buildings in course of construction.
1896, ch. 982....	All, except § 6.....	Free employment bureaus.
1896, ch. 991....	All.....	Amends L. 1886, ch. 409.
1897, ch. 148....	All.....	Amends L. 1896, ch. 271, §§ 3, 4, 6.